

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff,

vs.

SHANE THURMAN and DANIAL
DANAHER,

Defendants.

8:22CV90

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion for case management. On June 27, 2022, the Clerk of the Court received Plaintiff's "Amended Complaint," which has been docketed as a motion to amend complaint (Filing 17) because Plaintiff must obtain the court's leave to amend. *See* Fed. R. Civ. P. 15(a)(2). The court's local rules also specify a procedure which must be followed:

A party who moves for leave to amend a pleading (including a request to add parties) must file as an attachment to the motion an unsigned copy of the proposed amended pleading that clearly identifies the proposed amendments. Except as stated in these rules or court order, the proposed amended pleading must be a complete pleading that, if allowed to be filed, supersedes the original pleading in all respects; no part of the prior pleading may be incorporated into the proposed amended pleading by reference. *The motion for leave to amend must (1) specifically state the proposed amendments and (2) state whether the motion is unopposed or opposed, after conferring with opposing parties.*

NECivR 15.1(a) (emphasis supplied). A supporting brief may also be required:

A motion raising a substantial issue of law must be supported by a brief filed and served together with the motion. The brief must be separate from, and not attached to or incorporated in, the motion or index of evidence. *The brief must concisely state the reasons for the motion and cite to supporting authority.* A party's failure to brief an issue raised in

a motion may be considered a waiver of that issue. The brief must not recite facts unless supported as described in Nebraska Civil Rule 7.1(a)(2).

NECivR 7.1(a)(1)(A) (emphasis supplied).

The court will give Plaintiff 21 days to supplement Filing 17 by filing (1) the statements required by NECivR 15.1(a) and (2) a supporting brief if required by NECivR 7.1(a)(1)(A). In the absence of such filings, Plaintiff's motion to amend will be denied. Defendants will have 21 days to respond to Plaintiff's supplemental filings. The case progression order entered on June 6, 2022 (Filing 16), will remain in full force and effect, but may be modified if leave to amend is granted.

IT IS THEREFORE ORDERED:

1. Plaintiff shall have 21 days to supplement his motion to amend (Filing 17) by filing (1) the statements required by NECivR 15.1(a) and (2) a supporting brief. If Plaintiff fails to comply with this order with the prescribed time, the motion to amend will be denied.
2. Defendants shall have 21 days to respond to Plaintiff's supplemental filings.

Dated this 28th day of June 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge